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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Ex Part No. 711 (Sub-No. 1)

Reciprocal Switching

**NOTICE OF THE ASSOCIATION OF AMERICAN
RAILROADS' INTENT TO PARTICIPATE AT THE
MARCH 15–16, 2022 HEARING**

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Pursuant to the Board's December 28, 2021 Notice of Public Hearing, the Association of American Railroads ("AAR") hereby notifies the Board of its intent to participate in the public hearing scheduled for March 15 and 16, 2022. *See Reciprocal Switching*, STB Ex Parte 711 (Sub-No. 1), at 1 (STB served Dec. 28, 2021). AAR anticipates presenting its views through the testimony of the witnesses identified below. Given the relatively limited time for parties to arrange witnesses since the Board issued the notice of this hearing, AAR respectfully notes that it may seek to revise this list, and the topics these witnesses will address, prior to the deadline to file verified statements in this proceeding. For example, AAR is continuing to evaluate the most effective way to inform the Board with respect to operational considerations.

Mark Fagan: Mark Fagan is a Lecturer in Public Policy at the Harvard Kennedy School, Harvard University. He previously submitted a verified statement in support of AAR's initial comments on October 26, 2016. AAR anticipates that Mark Fagan will elaborate on the flaws of the proposed rule from a public policy perspective, including as it relates to current issues affecting the global supply chain.

Jonathan Orszag: Jonathan Orszag is a Senior Managing Director and member of the Executive Committee at Compass Lexecon. He previously served as an Economic Policy

Advisor at The White House from 1997 to 1999, and as Assistant to the Secretary and Director of the Office of Policy and Strategic Planning in the United States Department of Commerce from 1999 to 2000. AAR anticipates that Jonathan Orszag will elaborate on his economic evaluation of the Board's proposed rule, including, among other topics, his assessment that the proposed rule does not promote competition, would likely decrease—not increase—total social welfare, and may jeopardize critical future investments by railroads in their networks.

Robert J. Shapiro: Robert Shapiro is the founder and chairman of Sonecon, an economic advisory firm. He previously served as Under Secretary of Commerce for Economic Affairs from 1997 to 2001. AAR anticipates that Robert Shapiro will elaborate on his economic evaluation of the proposed rule, including, among other topics, its impacts on carriers' access to capital and investment opportunities.

Michael R. Baranowski: Michael Baranowski is a Senior Managing Director at FTI Consulting. He previously submitted a verified statement in support of AAR's initial comments on October 26, 2016. AAR anticipates that Michael Baranowski will elaborate on, among other topics, revised analyses he will have performed using updated data to assess the potential scope and impact of the proposed rule as well as additional analyses relevant to the Board's consideration of the proposed rule.

Debra J. Aron: Debra Aron is a Vice President in Charles River Associates' Competition Practice with extensive experience around competition policy, including in the telecommunications industry. AAR anticipates that Debra Aron will elaborate on the lessons from competitive access policies in the telecommunications industry that the Board may wish to consider as it evaluates the proposed rule.

Benjamin J. Horwich: Benjamin Horwich is outside counsel for AAR in this proceeding. AAR anticipates that he will address issues raised in prior and supplemental comments in this proceeding related to the Board's proposed rule, including its legal deficiencies.

AAR requests that its witnesses present their testimony as members of a panel and that they be allotted 75 minutes to present their testimony.

Dated: January 27, 2022

Respectfully Submitted,

/s/ Benjamin J. Horwich

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